

Air Transport Association

Joseph D. Vreeman
Vice President
Engineering, Maintenance & Materiel

November 18, 1992

TO: Air Carriers/General Aviation Maintenance Subcommittee Members

FROM: Joe Vreeman, Chairman
Air Carriers/General Aviation Maintenance Subcommittee

SUBJECT: Draft Advisory Circular - Privileges and Limitations of SFAR 36 Authority Holders

Frank Jauregui, the SFAR 36 Working Group Chairman, was unable to attend our last Subcommittee meeting in Pittsburgh. However, his Working Group has finished drafting the attached advisory circular and this letter is transmitting it to each of you for your review prior to our next meeting on February 18, 1993. At that time we expect to vote on a motion to accept the attached draft advisory circular and transmit it to the FAA for subsequent processing.

As many of you are aware, the FAA has indicated they will not continually renew SFAR 36. However, since many air carriers make extensive use of this regulation, the attached advisory circular will be useful for the period of time until SFAR 36 is no longer renewed.

As a separate matter, we have expressed the Subcommittee's concern that SFAR 36 authority not be allowed to lapse until some appropriate other process has been instituted.

Attachment

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NORTHWEST AIRLINES

June 19, 1992

Joe Vreeman
Chairman, Maintenance
Sub Committee
Air Transport Association
1301 Pennsylvania Ave. N.W.
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Subject: SFAR 36 Working Group Meeting Minutes
Date: June 17, 1992
Place: Washington, D.C.
Chairman: Frank Jauregui, Northwest Airlines

I. OPENING COMMENTS

- Meeting convened with a brief discussion of the planned agenda by Frank Jauregui, Chairman.
- Distributed copies of comments sent in by group members and noted that Mark Moran, USAir, could not attend meeting but sent apologies.
- The group agreed to change the dates of the next scheduled meeting from August 19-20 to August 12-13 at Fort Lauderdale.

II. TASK

Our task was "Development of an AC to address the privileges and limitations of air carriers and repair stations to perform major repairs under SFAR-36." The qualification/assumption used by the working group was that privileges and limitations were for organizations that "already" had SFAR-36 authority. Task completed and attached is our proposed Advisory Circular. We now request FAA Advisory Circular writing and FAA legal assistance to produce a final, releasable Advisory Circular.

III. DISCUSSION

- The chairman thanked S. MacLeod for her assistance in addressing the Air Carrier/General Aviation Maintenance Subcommittee of the Aviation Rulemaking Advisory Committee, at the May 26, 1992 meeting, on behalf of the working group.

III. DISCUSSION (cont)

- It should be noted that other Advisory Circulars and FAA Order references are included in this proposed Advisory Circular, as the working group felt it important in providing guidance in this area.
- Under paragraph 5. DEFINITIONS, a. (1) the statement is from the FAR, however, the words "if improperly done" imply that if properly done it would not have the same "affect" and it could. This wording in the rule should be addressed.
- Again, the LACK OF A CLEAR DEFINITION OF "MAJOR REPAIRS" was aired as an open issue.
- The list of attendees for the June 17 meeting is enclosed. The group did an outstanding job of staying on track with focus on the task. In addition, the greater benefit was derived from the knowledge and experience of the working group on the industry SFAR-36 issues, including stated action items.

IV. ACTION ITEMS

- The working group believes that the task as assigned and interpreted, i.e., address the privileges and limitations of current certificate holders with SFAR-36 authority, did not adequately cover the industry's problems and concerns. However, despite this belief, the working group has completed the task as assigned and interpreted and now requests FAA Advisory Circular writing and FAA legal assistance to finalize the document.
- The working group requests the Maintenance Subcommittee to assign the task of developing a rule to encompass and replace SFAR-36. This rule would address the complete SFAR-36 application procedures, privileges and limitations, development of an engineering procedures manual, define major repair and may be referred to as an Approved Engineering Organization rule.
- The industry is desirous and needs a permanent rule, vice SFAR-36 which is scheduled to expire January 23, 1994. This working group is qualified, has the expertise, knowledge and perseverance to address the major repair definition and develop a rule for development of repair data and technical instructions to approve aircraft, airframes, aircraft engines and/or propellers, appliances and components for return to service.

IV. ACTION ITEMS (cont)

- In addition to the request for FAA Advisory Circular writing and FAA legal assistance to be available to the working group for the August 12-13 meeting, Chairman Frank Jauregui will present the status outlined in these minutes to the Air Carrier/General Aviation Maintenance Subcommittee of the Aviation Rulemaking Advisory Committee at the September 29, 1992 meeting. He will also request the assignment of the new rule writing task.

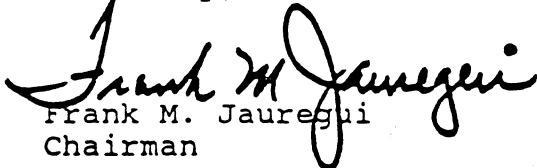
V. NEXT MEETING

DATE: August 12-13, 1992

TIME: 0830-1730 8/12
0800-1600 8/13

PLACE: FAA offices or selected hotel
Fort Lauderdale, Florida
Hotel availability/selection to be
provided at a later date.

Sincerely,


Frank M. Jauregui
Chairman

FMJ:bsj

attachment

Distribution: SFAR-36 Working Group Members

SFAR 36 WORKING GROUP
SCHEDULE OF UPCOMING MEETINGS
(tentative)

August 12-13	Fort Lauderdale, Florida
September 16-17	Minneapolis, Minnesota
October 22	ATA Headquarters

FMJ:bsj
6/19/92

LOCATION. ATA Washington, D.C.

[illegible]

Subject: PRIVILEGES AND Date: AC No:
 LIMITATIONS OF Initiated by: Change:
 SFAR-36 AUTHORITY HOLDERS.

1. PURPOSE. This Advisory Circular (AC) provides information and guidance to clarify the privileges and limitations of the FAR 121, 127, 135.2 and 145 certificate holders with SFAR-36 authority. The associated responsibilities and use of technical data developed by the authority holder to accomplish major repairs will also be addressed.

2. RELATED FEDERAL AVIATION DOCUMENTS. Federal Aviation Regulation (FAR) Parts 1, 21, 23, 25, 27, 29, 33, 35, 43, 91, 121, 127, 135, 145 and SFAR-36.

Advisory Material. This AC references Advisory Circulars and FAA Orders to add benefit to the use of this AC. The list is not all inclusive nor limited to only those listed:

8000.42A	Authority to Develop and Use Major Repair Data Not Specially Approved by the Administrator.
8300.9/10	Airworthiness Inspectors Handbook.
AC 25-571-1A	Damage Tolerance and Fatigue Evaluation of Structures.
AC 27-1	Certification of Normal Category Rotorcraft.
AC 29-2A	Certification of Transport Category Rotorcraft.
AC 33-2A/B	Aircraft Engine Type Certification Handbook.
AC 43-9B	Maintenance Records.
AC 43-9-1E	Instructions for Completion of FAA Form 337.
AC 43.13-1A	Acceptable Methods, Techniques and Practices - Aircraft Alterations.

2. RELATED FEDERAL AVIATION DOCUMENTS (CONT.)

AC 140-6C Development and Use of Major Repair Data under Provisions of SFAR-36.

AC 145.3 Guide for Developing and Evaluating Repair Station Inspection Procedures Manuals.

3. BACKGROUND. In 1978, SFAR-36 was issued to relieve qualified repair stations, air carriers, and operators of the burden of FAA approval of technical data for major repairs on a case-by-case basis.

In general, the adoption of SFAR-36 was based on the DAS provisions of FAR Part 21 and the conditions and limitations contained in the related exemptions which had been granted. The SFAR requires those desiring relief to have available qualified engineering personnel. The preparation of an FAA-approved procedure manual for the development of major repair data is also required. In addition, records relating to major repair data developed and the products incorporating the major repairs are required to be kept indefinitely as prescribed by SFAR-36, section 11.

The responsibilities of SFAR-36 authorization are shared by the Aircraft Certification Offices (ACO) and Flight Standards District Offices (FSDO). The ACO has responsibility for assessing the capabilities of an applicant's engineering staff and approving the applicant's engineering procedures manual that is used to develop technical data necessary to effect major repairs.

4. DISCUSSION. This AC may be used to define the privileges and limitations of an approved SFAR-36 authorization holder. It provides the clarification, limits and privileges that may be needed to gain the maximum benefit from the authorization granted by SFAR-36 while maintaining the highest level of safety and integrity.

The FSDO has responsibility for assuring that the authorization holder is adhering to the approved procedures manual and for assuring that the certificate holder is performing work according to accepted or approved technical data within the parameters of its operations specifications.

5. DEFINITIONS. For the purpose of this AC the following words or phrases will have the following meanings:

a. Major Repair means a repair:

- (1) that, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or
- (2) that is not done according to accepted practices or cannot be done by elementary operations.

b. Repair Data: Instructions necessary to accomplish the repair in accordance with technical data.

c. Technical Data: Information necessary to define and substantiate a repair procedure in compliance with applicable airworthiness standards.

5. DEFINITIONS (CONT.)

d. Approved Data: Approved data is data specifically approved by the FAA, DER or SFAR-36 Authority.

6. GENERAL. The requirement of SFAR-36 allows the 121, 127, 145 certificate holders, or an air taxi operator subject to the requirements of 135.2, the ability to develop major repair data and approve the aircraft, airframe, aircraft engine, propeller, or appliance, for return to service.

7. PRIVILEGES. The SFAR-36 authority privileges are based upon the products and process identified on their repair and/or operational certificate(s) and the expertise of the engineering and technical personnel in the organization. Holders of SFAR-36 authority may:

- a. Develop and approve technical data for major repairs and provide repair data for accomplishment.
- b. Use repair data provided that the repair instructions are accomplished in accordance with the certificate holders' accepted procedures. Use of subcontracting for SFAR-36 repair instructions may be accomplished if it is in the certificate holders accepted/approved procedures.
- c. Use the repair data within the limitations of the technical data for repairs on like articles.
- d. Use an engineering staff (remote engineering) not located at the facility to which the SFAR 36 authorization has been issued provided the data approvals made do not exceed the authority granted in the SFAR 36 holders' procedures manual.

7. PRIVILEGES (CONT.)

- e. The use of repair data is not limited to a geographic area.
- f. Develop and use major repair data which is not specifically approved by the Administrator, in accordance with SFAR-36 and its Federal Aviation Administration Approved Procedure Manual, as applicable to the ratings of the approved air carrier and air agency operations specifications.
- g. Use SFAR-36 developed data for repair data and repair instructions not covered in the A.D. as it is applicable to aging aircraft and SSID airworthiness directives.
- h. Use Technical data developed using SFAR-36 authorization as approved data by the certificate holder.
- i. Allow the organization to have more than one engineer that meets the requirement of SFAR-36 paragraph 3(b) 1-4.

8. LIMITATIONS. SFAR-36 authority:

- a. Limits the authorized air carrier or air agency to development and use of the repair data for:
 - (1) air carriers by being authorized by the certificate holder in their manual.
 - (2) non-certificated customers as long as the major repair documentation is properly provided.
- b. Does not apply to alterations.
- c. Does not allow changes to the Approved Flight Manual, Airworthiness Limitation Section or MMEL.
- d. Has an expiration date.

8. LIMITATIONS (CONT.)

- e. Repairs are limited to parts that can be marked or identified in such a manner that the item has an individual identity.
- f. Has limits of authority with respect to the specific fields of engineering in which the SFAR-36 holder is authorized to develop and use data for a major repair, as further limited by the specific products and types of repair covered by the rating of the air carrier or air agency operations specifications for returning aircraft, airframes, aircraft engines and/or propellers or appliances to service, or covered by the operating certificate and maintenance manual of the operator.
- g. Technical data must comply with criteria specified in applicable airworthiness sections of the Federal Aviation Regulations.
- h. Limits individual engineering personnel to meeting the minimum requirements of SFAR-36 in the area of their expertise. They do not have to meet all the requirements of paragraph 3, b (1) through (4). At least one member of the staff required by SFAR-36 must meet all of the required qualifications.
- i. Limits the SFAR-36 holder to obtain FAA engineering approval before use of:
 - (1) all equivalent safety provisions applied under FAR part 21.21.
 - (2) data procured from specialized services not part of (company name) facility.

8. LIMITATIONS (CONT.)

- i. (3) repair data that effects the type design of an aircraft which may increase the noise levels of the aircraft (Ref: FAR 21.93 (b)).
- (4) a repair that impacts any Airworthiness Directive (A.D.) requirements (FAR Part 39), or data that affects areas addressed by Airworthiness Directives.
- (5) data concerning repairs to life limited items.
- (6) repair data that effects the type design of the airplane or engine which may increase the fuel venting or exhaust emissions (Ref: FAR 21.93 (c)).

9. CLARIFICATION. The following clarifications are provided for the purpose of standardization of certain areas of SFAR-36:

- a. Authorized repair stations with SFAR-36 authority can develop and use the repair data for air carriers if authorized by the certificate holder (a certificate holder being any air carrier, air agency certificated by the FAA and issued an operating specification) and for non-certificate customers as long as major repair documentation is properly provided.
- b. The term "appliance" is inclusive of components.